



New South Wales

## **Kiama Local Environmental Plan 1996 (Amendment No 40)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (WOL2000516-1)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2006 No 57

Clause 1            Kiama Local Environmental Plan 1996 (Amendment No 40)

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# Kiama Local Environmental Plan 1996 (Amendment No 40)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Kiama Local Environmental Plan 1996 (Amendment No 40)*.

### 2 Aims of plan

The aims of this plan are:

- (a) to rezone part of the land to which this plan applies for residential and recreation purposes, and
- (b) to guide development on the Gerringong headland site in accordance with requirements contained in a master plan.

Part of this land was deferred matter (within the meaning of section 68 (5) of the *Environmental Planning and Assessment Act 1979*) when *Kiama Local Environmental Plan 1996* commenced.

### 3 Land to which plan applies

This plan applies to Lots 4 and 6, DP 541889, Belinda Street, Gerringong as shown edged heavy black on the map marked “Kiama Local Environmental Plan 1996 (Amendment No 40)” deposited in the office of the Council of the Municipality of Kiama.

### 4 Amendment of Kiama Local Environmental Plan 1996

*Kiama Local Environmental Plan 1996* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 6 Definitions

Insert in appropriate order in the definition of *the map* in clause 6 (1):

Kiama Local Environmental Plan 1996 (Amendment No 40)

### [2] Schedule 5 Development of master plan sites

Insert after item 4:

#### 5 Gerringong Headland master plan site

Lots 4 and 6, DP 541889, Belinda Street, Gerringong, as shown edged heavy black on the map marked “Kiama Local Environmental Plan 1996 (Amendment No 40)”.

#### Master plan development for this site

Residential development, including subdivision and development for the purpose of housing, and development for the purpose of a public recreation reserve.

#### Initial master plan

The instrument titled *Gerringong Headland Master Plan—Option 1* (2003) prepared by Hill Thalys Architecture + Urban Projects Pty Ltd for Noble Bros Pty Ltd and Kiama Municipal Council, copies of which are available at the office of the Council, comprises the initial master plan for this site (“the Adopted Master Plan”).

#### Development requirements

The following requirements apply to development on the Gerringong Headland master plan site:

- (a) residential subdivision and housing must be carried out in a manner generally consistent with the subdivision plan shown in Parts 4 and 6 of the Adopted Master Plan,
- (b) the number of lots created by subdivision must not exceed 28 residential lots,
- (c) land identified as “Extended Foreshore Reserve” in figure 4.2 (i) of the Adopted Master Plan must be dedicated as public reserve on the registration of a plan of subdivision of any part of the Gerringong Headland master plan site with Land and Property Information NSW.

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Schedule 1 Amendments

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- (d) new streets must be constructed in the general location as shown in the Adopted Master Plan and must meet the objectives, general specifications, controls and public domain strategy as indicated in Part 5 (Public domain) of the Adopted Master Plan,
- (e) buildings must be constructed in the general locations as shown in the Adopted Master Plan and must, to the satisfaction of the Council, meet the objectives, general specifications, controls and private domain strategy as indicated in Part 6 (Private domain) of the Adopted Master Plan,
- (f) the design of buildings, including their vehicular access, must have regard to, and generally conform to, the design principles indicated in Part 7 (Illustrative housing types) of the Adopted Master Plan,
- (g) development for the purpose of co-ordinated housing may be carried out on the site instead of development in stages involving a subdivision creating separate lots and the subsequent erection of a dwelling on each of those lots, but only if the co-ordinated housing is consistent with the urban design principles contained in the Adopted Master Plan and, in particular, with the objectives and controls specified in Part 6 (Private domain) and Part 7 (Illustrative housing types) of the Adopted Master Plan, including the subdivision plan indicated in figure 6.2 (i).

In carrying out co-ordinated housing instead of such development in stages, there must be variation in the design of dwellings on each lot to prevent an homogenous style of housing and to provide (to the satisfaction of the Council) architectural interest, variety and an individuality in housing design and appearance as viewed from the public domain.

Co-ordinated housing in accordance with the requirements in this paragraph may be implemented over the whole or part of the site.

For the purposes of this paragraph, *co-ordinated housing* means development carried out as a combined subdivision and housing package,

- (h) The following development is prohibited:
  - (i) residential subdivision or the erection of dwellings otherwise than in accordance with the Adopted Master Plan or an amended master plan adopted under the provisions of this plan,
  - (ii) the consolidation or use of individual lots approved in a residential subdivision into larger lots (“super lots”) to enable development for the purposes of “integrated housing development”, “units for aged persons”, “villa homes and courtyard houses” or any other multiple-dwelling form of housing development defined under this plan or otherwise permissible under *State Environmental Planning Policy—Seniors Living 2004*,

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- (iii) the creation of additional lots by the re-subdivision of residential lots created in accordance with the Adopted Master Plan,
  - (iv) the erection of a dwelling-house on two or more lots or the consolidation of two or more lots into a single lot,
  - (v) the carrying out of dual occupancy development.